

Remarks

Reconsideration of this Application is respectfully requested. Upon entry of the foregoing amendment, claims 1-13, 16-22, 26-30, 32, and 36-58 are pending in the application, with claims 1, 20, 22, 26, 36, 44, 51, and 58 being the independent claims. New claims 57-58 are sought to be added. Claims 1, 10, 20, 22, 26, 36, 44, and 47-51 are sought to be amended to clarify the invention. These changes are believed to be supported by the specification, and therefore are believed to introduce no new matter, and their entry is respectfully requested. Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections Under 35 U.S.C. § 103

On page 2 of the Office Action, claims 1-5, 7-12, 16-21, 36-38, 40-41, and 44-55 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 4,975,969 to Tal (herein "Tal") in view of US Patent No. 6,522,772 to Morrison *et al.* (herein "Morrison") and further in view of US Patent No. 6,141,052 to Fukumitsu *et al.* (herein "Fukumitsu"). Additionally, on page 13 of the Office Action, claims 22, 26-30, and 32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 4,975,969 to Tal (herein "Tal") in view of US Patent No. 6,141,052 to Fukumitsu *et al.* (herein "Fukumitsu"). Applicants traverse these rejections and respectfully request these rejections be removed and these claims be passed to allowance.

Amended independent claim 1 recites in part:

determining a plurality of errors that represent a difference between said plurality of facial features of said first person and a corresponding plurality of facial features of said second person, and *determining an average error* of said plurality of errors to determine security access of said second person.

(*See*, amended claim 1, *emphasis added*)

Claims 20, 22, 36 and 44 have been amended in a similar fashion to that of claim 1.

Applicants respectfully submit that neither Tal, Morrison, or Fukumitsu, alone or in combination, teach, suggest, or disclose "determining a plurality of errors" as well as "determining an average error" to decide security access as recited in amended independent claims 1, 20, 22, 36, and 44, nor does the Office Action suggest this. Accordingly, the combination of Tal, Morrison, and Fukumitsu does not teach each and every feature of independent claims 1, 20, 22, 36, and 44, and therefore does not meet the requirements for *prima facie* obviousness. (*See*, MPEP 2143)

Amended independent claims 26 and 51 recite in part, "a camera that rotates around" a person's head. Applicants respectfully submit that neither Tal, Morrison, or Fukumitsu, alone or in combination, teach, suggest, or disclose "a camera that rotates around" a person's head as recited in amended independent claims 26 and 51. Tal and Morrison do not teach a camera that rotates on any axis. Additionally, Fukumitsu alone does not overcome this deficiency of Tal and Morrison. Specifically, Fukumitsu does not teach a camera that rotates around an axis of rotation centered substantially in a person's head.

For example, referring the FIG. 2 of Fukumitsu, it is physically impossible to take pictures around an applicant's head in a combined system of Tal, Morrison, and Fukumitsu. For example, the camera 18 in Fukumitsu is mounted on a fixed base 17 so that the camera 18 is only capable of rotating on the fixed base (*See*, Fukumitsu, FIG. 2), and cannot rotate ***around a person's head***, as recited in the independent claims.

Therefore, the combination of Tal, Morrison, and Fukumitsu does not teach or suggest all of the recited claim features of independent claims 1, 20, 22, 26, 36, 44, and 51 and therefore does not meet the requirements of *prima facie* obviousness. Accordingly, Applicants respectfully request the rejection under 35 U.S.C. § 103 rejection be removed and that these claims be passed to allowance.

Furthermore, dependent claims 2-5, 7-12, 16-19, 21, 27-30, 32, 37-38, 40-41, 45-50, and 52-55 which depend upon their respective independent claims 1, 20, 22, 26, 36, 44, and 51 are thus allowable for at least being dependent from an allowable independent claim, in addition to their own respective features. Accordingly, Applicants respectfully request this rejection be removed and that these claims be passed to allowance.

On page 12 of the Office Action, dependent claims 6 and 39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 4,975,969 to Tal (herein "Tal") in view of US Patent No. 6,522,772 to Morrison *et al* (herein "Morrison") and further in view of US Patent No. 6,141,052 to Fukumitsu *et al* (herein "Fukumitsu") and further in view of US Patent No. 6,072,894 to Payne *et al* (herein "Payne"). Applicants traverse this rejection and respectfully request this rejection be removed and this claim be passed to allowance.

Dependent claims 6 and 39, which depend upon their respective independent claims 1 and 36 are allowable for at least being dependent from an allowable independent claim as discussed above, in addition to their own respective features. Accordingly, Applicants respectfully request this rejection be removed and that these claims be passed to allowance.

On page 16 of the Office Action, dependent claims 42 and 43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 4,975,969 to Tal (herein "Tal") in view of US Patent No. 6,522,772 to Morrison *et al* (herein "Morrison") and further in view of US Patent No. 6,141,052 to Fukumitsu *et al* (herein "Fukumitsu") and further in view of US Patent No. 5,973,731 to Schwab (herein "Schwab"). Applicants traverse this rejection and respectfully request this rejection be removed and this claim be passed to allowance.

Dependent claims 42 and 43, which depend upon their respective independent claim 36 are allowable for at least being dependent from an allowable independent claim, in addition to their own respective features. Accordingly, Applicants respectfully request this rejection be removed and that these claims be passed to allowance.

On page 17 of the Office Action, dependent claim 56 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 4,975,969 to Tal (herein "Tal") in view of US Patent No. 6,522,772 to Morrison *et al* (herein "Morrison") and further in view of US Patent No. 6,141,052 to Fukumitsu *et al* (herein "Fukumitsu") and further in view of US Patent No. 6,069,655 to Seeley (herein "Seeley"). Applicants traverse this rejection and respectfully request this rejection be removed and this claim be passed to allowance.

Dependent claim 56, which depends upon independent claim 1 is allowable for at least being dependent from an allowable independent claim, in addition to its own respective features. Accordingly, Applicants respectfully request this rejection be removed and that these claims be passed to allowance.

Other Matters

The Applicants have reviewed the Office Action's Response to Arguments and respectfully disagree. In particular, the camera claimed is a claim limitation, thus it is relevant to patentability because "the prior art reference (or references when combined) must teach or suggest all of the claim limitations." *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); *see also* MPEP § 2141.02(I)-(II), MPEP 2143.

Furthermore, Applicants submit that the references cited in the Office Action do not teach or suggest all of the claim limitations including the foregoing amendments. Thus, Applicants respectfully traverse the rejections and respectfully request the rejections be removed and all pending claims be passed to allowance.

Furthermore, Applicants' prior correspondence, on at least pages 17-20 of the preceding reply, clearly points out patentable differences between the claims and the cited references. The Applicants' prior correspondence also explains how prior amended claims differ from the cited references. Thus, Applicants' previous correspondence complies with 37 CFR § 1.111(c).

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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Date: 3/24/06

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